

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 112420

63

ORIGIN COME-00

INFO OCT-01 EUR-12 ISO-00 EB-07 TRSE-00 CIAE-00 INR-07

NSAE-00 /027 R

DRAFTED BY COM/BEWT/EE/SSLOTARSKI/SAM

APPROVED BY EB/OT/STA:WCLARK,JR.

COM/BEWT/EE/BR SARICH

COM/BEWT/OEWD/SRABRAHAMSON

COM/BEWT/OJCS/SMGEORGE

TREASURY/OTP/ERENDALL

STATE/EUR/EE/DMILLER

STATE/EB/STA/ECONSTABLE

STATE/EB/EWT/JBEMIS

----- 021336

P 142123Z MAY 75

FM SECSTATE WASHDC

TO AMEMBASSY WARSAW PRIORITY

LIMITED OFFICIAL USE STATE 112420

E.O. 11652: NA

TAGS: ETRD, PL

SUBJECT: RESPONSE TO VICE-PREMIER OLSZEWSKI'S PROPOSAL
FOR CONSULTATIONS

REF: WARSAW 2287

1. THE FOLLOWING LETTER FROM ACTING SECRETARY OF COMMERCE
TABOR TO VICE PREMIER OLSZEWSKI, RESPONDING TO OLSZEWSKI'S
PROPOSAL FOR AN AD HOC WORKING GROUP MEETING UNDER THE
JOINT COMMISSION, WAS HANDED TO POLISH EMBASSY ON MAY 13.

2. WE HAVE AGREED TO CONVENING OF WORKING GROUP TO
DISCUSS GENERAL IMPLICATIONS OF OUR ANTI-DUMPING STATUTE
FOR TRADE RELATIONS, WITH THE UNDERSTANDING THAT THE
DISCUSSIONS AND CONCLUSIONS OF THE WORKING GROUP CANNOT
AFFECT THE DETERMINATIONS TO BE MADE IN THE CASE.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 112420

BEGIN TEXT

DEAR MR. DEPUTY CHAIRMAN:

IN SECRETARY MORTON'S ABSENCE ABROAD, YOUR RECENT LETTER WAS BROUGHT TO MY ATTENTION AS ACTING SECRETARY. BOTH

SECRETARY MORTON AND I SHARE YOUR CONCERN FOR THE CONTINUED FRUITFUL AND MUTUALLY BENEFICIAL DEVELOPMENT OF ECONOMIC COOPERATION BETWEEN OUR TWO COUNTRIES.

CONCERNING THE ANTIDUMPING PROCEEDING CURRENTLY PENDING AGAINST POLISH MELEX GOLF CARTS, WHICH IS THE SUBJECT OF YOUR LETTER, YOU MAY BE ASSURED THAT I AM AWARE OF THIS MATTER AND APPRECIATE FULLY THE IMPORTANCE WHICH YOU ATTACH TO IT. I RESPECTFULLY BUT EARNESTLY WOULD LIKE TO CALL ATTENTION TO THE MISAPPREHENSION EXPRESSED IN YOUR LETTER THAT THE ANTIDUMPING PROCEEDING WAS UNDERTAKEN BY THE FEDERAL ADMINISTRATION. AS I EMPHASIZED TO AMBASSADOR TRAMPCZYNSKI IN OUR MEETING OF MARCH 7, THIS PROCEEDING WAS NOT INSTIGATED OR INITIATED IN ANY WAY BY THE UNITED STATES GOVERNMENT OR ANY AGENCY THEREOF.

THE PROCEEDING ORIGINATED PURSUANT TO A COMPLAINT FILED BY A PRIVATE U.S. FIRM, AVAILING ITSELF OF STATUTORY REMEDIES PROVIDED BY CONGRESS UNDER THE ANTIDUMPING ACT. THE SECRETARY OF THE TREASURY IS CHARGED WITH EXECUTING THE PROVISIONS OF THE ANTIDUMPING ACT AND CONDUCTING PROCEEDINGS IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY LAW AND REGULATION, IN A UNIFORM AND NON-DISCRIMINATORY MANNER.

YOU PROPOSED THAT AN AD HOC WORKING GROUP MEETING BE CONVENED WITHIN THE FRAMEWORK OF THE JOINT COMMISSION IN ORDER TO FIND SOLUTIONS TO THE CASE OF THE MELEX GOLF CARTS. WE HAVE GIVEN CAREFUL THOUGHT TO YOUR PROPOSAL AND WEIGHED THE POTENTIAL DIFFICULTIES IT PRESENTS, BEARING IN MIND THAT THE PROCEEDING IS BEING CARRIED OUT BY THE TREASURY DEPARTMENT IN ACCORDANCE LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 STATE 112420

WITH STATUTORY PROVISIONS, AND THAT IT IS NOT WITHIN THE PROVINCE OF THE JOINT COMMISSION TO SUPPLANT OR TO INTERVENE IN ANY WAY IN THE PENDING ANTIDUMPING PROCEEDING. FURTHERMORE, ANY DEVIATION FROM THE STANDARDS AND PROCEDURES AUTHORIZED BY LAW WOULD INEVITABLY LEAD TO JUDICIAL PROCEEDINGS INITIATED BY THE PETITIONER IN THE CASE. THEREFORE DELIBERATIONS OF THE JOINT COMMISSION CANNOT INFLUENCE DECISIONS MADE REGARDING

THE FACTS OF PARTICULAR CASES AND THEIR CONFORMITY TO
STATUTORY CRITERIA.

WE HAVE ALSO RECOGNIZED THE VALUE OF AN OPEN CHANNEL
FOR THE FULL EXCHANGE OF VIEWS ON QUESTIONS RELATING TO

TRADE RELATIONS BETWEEN OUR COUNTRIES. I WOULD SUGGEST,
THEREFORE, THAT AN AD HOC WORKING GROUP OF THE JOINT
COMMISSION MEET TO DISCUSS THE GENERAL IMPLICATIONS OF
OUR ANTI-DUMPING STATUTE FOR TRADE RELATIONS BETWEEN
POLAND AND THE UNITED STATES. LET ME AGAIN EMPHASIZE
THAT THE DISCUSSIONS AND CONCLUSIONS OF THE WORKING
GROUP CANNOT AFFECT THE DETERMINATIONS TO BE MADE IN
THIS CASE, BUT THE GROUP MIGHT USEFULLY REVIEW THE
GENERAL POLICY ISSUE AS IT RELATES TO THE DEVELOPMENT
OF OUR BILATERAL TRADE.

IN ACCORDANCE WITH THE FOREGOING GUIDELINES, I HAVE
INSTRUCTED MR. ARTHUR T. DOWNEY, EXECUTIVE SECRETARY
OF THE U.S. SECTION OF THE JOINT COMMISSION, TO
COORDINATE THE PARTICIPATION IN THE WORKING GROUP,
AND TO ARRANGE WITH YOUR REPRESENTATIVE FOR MUTUALLY
CONVENIENT DATE.

SINCERELY,

SIGNED
JOHN K. TABOR
ACTING SECRETARY OF COMMERCE

END OF TEXT KISSINGER

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TEXT, DIPLOMATIC COMMUNICATIONS, ANTIDUMPING LAW (TRADE)
Control Number: n/a
Copy: SINGLE
Draft Date: 14 MAY 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: SmithRJ
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE112420
Document Source: CORE
Document Unique ID: 00
Drafter: BEWT/EE/SSLOTARSKI/SAM
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750169-0921
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750552/aaaabvcu.tel
Line Count: 145
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN COME
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 WARSAW 2287
Review Action: RELEASED, APPROVED
Review Authority: SmithRJ
Review Comment: n/a
Review Content Flags:
Review Date: 09 JUN 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <09 JUN 2003 by izenbei0>; APPROVED <20 OCT 2003 by SmithRJ>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: RESPONSE TO VICE-PREMIER OLSZEWSKI'S PROPOSAL FOR CONSULTATIONS
TAGS: ETRD, PL, US, (OLSZEWSKI, KAZIMIERZ)
To: WARSAW
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006